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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061629
Party	Defendant Matey Michael Ghomeshi
Correspondence Address	MATEY MICHAEL GHOMESHI PO BOX 95 ONTARIO, CA 91762-8095 UNITED STATES
Submission	Answer
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Signature	/Jeffrey A. Cohen/
Date	07/14/2015
Attachments	Answer to Petition to Cancel.pdf(94691 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,798,681

STRONGVOLT, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92061629
)	
MATEY MICHAEL GHOMESHI,)	
)	
Respondent.)	
)	
)	

ANSWER TO PETITION TO CANCEL

Respondent, Matey Michael Ghomeshi (“Respondent”), as and for its answer to the Petition to Cancel (“Petition to Cancel”) filed by Petitioner, StrongVolt, Inc. (“Petitioner”), hereby states as follows:

With regard to the Preamble to the Petition to Cancel, Respondent lacks sufficient knowledge and information to form a belief as to the truth of the allegations regarding Petitioner’s address and the jurisdiction of Petitioner’s organization and therefore denies the same. Respondent denies the remaining allegations in the Preamble and further denies that Petitioner is entitled to the relief it seeks.

With regard to the numbered paragraphs of the Petition to Cancel, Respondent states as follows:

1. Respondent admits that he is an individual with a correspondence address of P.O. Box 95, Ontario, California 91762-8095. Respondent further admits that he is the owner of record of the registration referenced in Paragraph 1.

2. Respondent admits that the print-up of the TSDR record attached to the Petition to Cancel as Exhibit B identifies Petitioner as the owner of record of U.S. Trademark Application No. 86312338. Respondent lacks sufficient knowledge and information to form a belief as to the truth of the remaining allegations in Paragraph 2, including the validity of Petitioner's claim to own said application, and, therefore, denies the same.

3. The allegations in Paragraph 3 consist of legal conclusions to which no response is required. To the extent that any response is required, Respondent denies the allegations in Paragraph 3.

4. Respondent lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 4 regarding Petitioner's alleged use of the BLKBOX trademark and, therefore, denies the same, and otherwise denies the remaining allegations in Paragraph 4.

5. Respondent lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 5 regarding the prosecution history of Petitioner's trademark application referenced in such paragraph and, therefore, denies the same.

6. Respondent denies the allegations in Paragraph 6 that Respondent was not using the MOBILEBLACKBOX trademark as of January 16, 2003, as of the time of filing Respondent's trademark application for MOBILEBLACKBOX or since the time of filing of Respondent's trademark application in connection with the following goods: portable electronic devices for transmitting data and sound files, audio players for automobiles, and analog and digital audio signal transmitters. Respondent admits that, at the time of filing his application for the MOBILEBLACKBOX trademark, he was not selling the remainder of the goods set forth in

Respondent's registration (i.e., those not listed above) under the MOBILEBLACKBOX trademark. Respondent denies the remaining allegations in Paragraph 6.

7. The allegations in Paragraph 7 consist of legal conclusions to which no response is required. To the extent that any response is required, Respondent denies that Petitioner, as the junior user, would suffer the harm recited therein.

8. The "WHEREFORE" clause of the Petition to Cancel is a Prayer for Relief that requires no response.

9. All allegations not specifically admitted above are hereby denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

10. The Petition to Cancel fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

11. The Petition to Cancel fails to state a legally valid ground for cancelling the registration at issue herein.

THIRD AFFIRMATIVE DEFENSE

12. The Petition to Cancel is barred by the doctrine of waiver.

FOURTH AFFIRMATIVE DEFENSE

13. The Petition to Cancel is barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

14. The Petition to Cancel is barred by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE

15. The Petition to Cancel is barred by the doctrine of acquiescence.

WHEREFORE, Respondent requests that the Petition to Cancel be dismissed with prejudice and that the Board grant to Respondent such other and further relief as the Board deems just and proper.

Dated: July 14, 2015

Respectfully submitted,

COHEN BUSINESS LAW GROUP
A Professional Corporation

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer To Petition to Cancel has been served on Petitioner, StrongVolt, Inc., by mailing said copy on July 14, 2015, via First Class Mail, postage prepaid, to:

Charles F. Reidelbach, Jr, Esq.
Higgs, Fletcher & Mack LLP
401 West "A" Street, Suite 2600
San Diego, CA 92101-7910

Dated: July 14, 2015

By: /Beatrice Martinez/